

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

**FILED**  
**MAR 13 2017**  
Clerk, U.S. Courts  
District Of Montana  
Missoula Division

TAMARA HANGSLEBEN,

CV 15-53-M-DLC-JCL

Plaintiff,

ORDER

vs.

CAROLYN W. COLVIN,  
Commissioner of Social Security,

Defendant.

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on February 1, 2017, recommending granting Plaintiff Tamara Hangsleben's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The parties failed to timely object to the Findings and Recommendation, and so waived their right to de novo review of the record. 28 U.S.C. § 636(b)(1)(C). The Court reviews for clear error those findings and recommendations to which no party objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

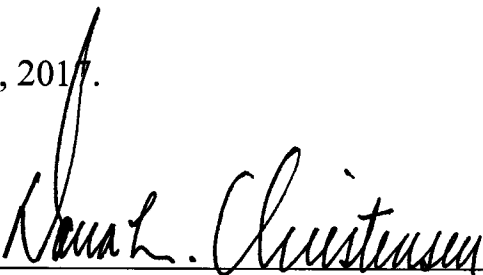
Having reviewed the Findings and Recommendation, the Court finds no clear error in Judge Lynch's conclusion that attorney fees should be awarded in the amount of \$11,636.61, and that 61 hours of attorney work is reasonable.

Accordingly, IT IS ORDERED that:

(1) Judge Lynch's Findings and Recommendation (Doc. 24) are ADOPTED IN FULL.

(2) Plaintiff's Amended Motion for Attorney Fees (Doc. 21) is GRANTED in the amount of \$11,636.61. This award is without prejudice to the right of Plaintiff's counsel to seek attorneys fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), subject to the offset provisions of the EAJA. Defendant's payment of the \$11,636.61 shall constitute a complete release from and bar to any and all claims Plaintiff may have relating to EAJA fees, expenses, and costs in this action.

DATED this 13<sup>th</sup> day of March, 2017.



Dana L. Christensen, Chief Judge  
United States District Court